

**From:** John Johnston  
**To:** Microsoft ATR  
**Date:** 1/3/02 3:26am  
**Subject:** Microsoft Settlement

Dear DOJ,

As a consumer I have used computers for sixteen years now. I have a computer network setup between my shop, my home, our patio area and another house on the property. I harbor no doubt that I am not the usual consumer in this respect. I have been very happy however to be able to do this networking without having to purchase additional software, or to have found the process technically intimidating. I have found the inclusion of such items as networking, CD playing, mpeg viewing, Internet browsing, e-mail, picture viewing and such to be innovation at its best. I have purchased programs written by others that allow greater graphics capabilities, engineering capabilities and so forth. Essentially these programs run flawlessly for me in the MS Windows environment.

I have in older versions of MS Windows purchased upgrades, one for instance was from Real Networks in Seattle, I think they are a part of this case also, they offered a free downloadable upgrade. What a dirty trick, as soon as I had it they wanted me to buy the full functional upgrade, and their newly installed software kept activating my firewall software with its attempts to report back to Real Networks what features I was making use of in their program without my knowledge. This is pretty much akin to planting a Trojan horse program and I think the practice stinks. I used their uninstall routine and it removed most but not all of their code, I still trap messages with it uninstalled trying to "phone home." I have not had that problem with Microsoft; in fact Microsoft's collection of personal information is entirely upfront and with clear explanations.

Across the same years I worked for Diebold Inc. and spent a great deal of time using the IBM operating system OS2. In those years IBM clearly attempted to capture a larger portion of the desktop PC software market and they had promotions to that end. Diebold used OS2 as the OS on many computer systems, and nearly all of their ATM machines. Diebold regarded me during my employment with them up until my retirement last year at age 51 as a Fast Track Engineer. I got to solve the problems our field technicians were stumped on. We had plenty of problems; Windows was not nearly as cumbersome, or intolerant as OS2. To amplify the difference further between OS2 and Windows, IBM and Diebold were business partners; we had special access to IBM engineers to resolve problems. During this time I purchased OS2 for a computer at home and attempted to install it, even with "inside" help, the IBM engineers could not make it operate on the hardware I wanted to install it on. I had in fact purchased a new 486 system just to play with OS2 on, finally they told me all we can recommend is that you buy some new hardware that is on our supported list. That was it, I still have a box full of OS2 sitting here, and anytime someone whines about Windows I offer it to him or her.

Clearly, most persons have never had to put up with anything like what I described above, but I want you to consider with the time and talent that IBM has, why couldn't they displace Microsoft. I will suggest that the market place chose the best software, and I will further suggest that in comparison to what is available the only choice for me will be Windows. Diebold Inc, was in the process of dropping OS2 for Windows at the time of my retirement. The reasons for this boiled down to IBM's failure to put innovations into their operating system fast enough for the market place. We were connecting ATMs into TCP/IP networks and VPNs, as a result of telnet sessions our customers are downloading streaming video and audio to our newer products. All of this is just a colossal pain because support for these advanced features is just too rudimentary in OS2, even though it comes from the granddad of computer giants.

The enormity of gain to productivity and to our economy during the nineties was clearly connected to the computer industry. It is also clearly evident that the axe that cut the juggler was the U.S. vs. Microsoft, assisted by Judge Jackson. I can't help but feel that more innuendo and misconceptions were furthered during that time than at any other.

Microsoft may have business practices that need attention, but if the government restricts them in writing software innovation will collapse. If the support utilities that are included in Windows currently had to be purchased separately and worse yet, from other companies, I would not have networked, I probably would not have bought at least three of the computers that I currently have, and a lot of other consumers would have held back as well. I get a lot for my money with Microsoft products and it sounds like to me the government would like to see that value stopped. Upgrading software over the years has often meant buying new programs. Microsoft up until now has retained backwards compatibility with software wrote twenty years ago. Apple Computer with most upgrades of their operating system trash any legacy software.

I would like to comment on Sun Microsystems, Scott McNeally has publicly stated he intends to litigate against Microsoft forever. I always thought threats belonged more to the terrorist than to a business, and might even be against the law. But you see, I can see why Scott gets so red faced all the time. With the improvements in Windows NT the electrical engineering software vendors were no longer locked into compiling their code for the Unix operating system. Scott built boxes that ran their own version of Unix up until this time (there are eight versions of Unix, not one is compatible with the other) and when the software tool people saw the possibilities in Windows NT and then Compaq and HP started selling NT boxes for \$6,000 suddenly Scott's \$30,000 Unix boxes were not in so much demand. Just imagine what that did for his blood pressure, its no wonder he gets so red faced when talking about Microsoft. Then there is Oracle's Larry no doubt would like to keep Microsoft out of the data base arena as well. Microsoft in practice takes a product that is way to complex, and costly, and builds a version that anyone can use, without factory engineers help, and makes it immensely popular by turning it into a commodity product at Staples and Wal-Mart.

Lastly as I mentioned just before, there are eight versions of Unix no less. Software transportability between them is close to zilch. If the Unix people can do that to consumers it seems strange that Microsoft should have to bear a burden in maintaining compatibility for all these other leaches.

Yours truly,

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